



David A. Paterson
Governor

Carol Ash
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

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223417

September 17, 2008

Via electronic mail

Honorable Anne K. Quinlan, Esq.
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

FILE FEE WAIVED

**Re: STB Docket No. AB-290 (Sub-No. 271X), Norfolk Southern Railway Company –
Abandonment Exemption – in Wyoming and Genesee Counties, NY**

Dear Secretary Quinlan:

The New York State Office of Parks, Recreation and Historic Preservation (State) requested a notice of interim trail use/rail banking for approximately 4.5 miles of railroad between milepost UG 360.20 at Alexander and milepost UG 364.70' at Attica, in Wyoming and Genesee Counties, New York, in the above-captioned proceeding.

In a decision dated March 25, 2008 the Board provided a 180 day period of time to come to an agreement on interim trail use prior to September 23, 2008.

After discussions between the State and Norfolk Southern Railway Company and their representatives, the parties expect to conclude negotiations for a trail use agreement in the future, but will not be able to do so in advance of the consummation deadline (September 23, 2008).

Accordingly, the State, through the New York State Office of Parks, Recreation and Historic Preservation respectfully requests that the Board grant an extension of the consummation deadline (and NITU negotiating period) so that it may complete its negotiations with Norfolk Southern Railway Company. Norfolk Southern Railway Company has acknowledged its consent to this extension request and has informed the State that it will file a letter with the Board regarding this matter and its consent.

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In addition, the State respectfully requests a waiver of the Board's filing fees in accordance with 49 CFR 1002.2(e)(1).

The State is e-filing this letter. Thank you for your assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dominic Jacangelo", written over the printed name.

Dominic Jacangelo
Manager
Heritage Trails Program
NYS OPRHP

cc: James R. Paschall, NS
Erik Kulleseid, NYS OPRHP